



The BEACON *SpotLight*

A Study of Constitutional Issues by Topic

Issue 20: Americans Get the Federal Government We Deserve

Americans will get the federal government we deserve, if we aren't willing to put forth the effort needed to discover how federal servants ever became our political masters and then take the appropriate steps to end their false reign.

And, the corrective steps don't involve voting, elections, or [mob-rule] Democracy. After all, determining *who* exercises available federal powers isn't the critical factor in our Republic—what matters is the *extent of powers* that are available to federal servants, whoever those servants may be.

In truth, we face but one political problem federally, which is how members of Congress and federal officials bypass their constitutional constraints, with impunity.

The first step towards restoring limited powers necessarily begins with learning how scoundrels who individually swear an oath to support the Constitution may instead ignore their sworn oath and exercise powers throughout the Union that were never expressly delegated them.

No person empowered to exercise delegated federal powers is able to change the Constitution, or their allowed powers, to any extent, whatsoever—their sworn oath proves their subservience, while Article V confirms that the U.S. Constitution may only be changed by formal amendments ratified by three-fourths of the States.

Undeniably, only the States, as *principals* to the U.S. Constitution, approve changes. Members of Congress are merely the *agents* of the States chosen to exercise delegated powers within a constitutional framework, with federal officials carrying out enacted law.

The wonderful thing about wayward federal actions is with federal servants unable to ratify amendments, then nothing they have ever done has actually ever changed the Constitution, to any extent, whatsoever—meaning everything viewed today outside of ratified amendments is nothing but an illusion that may be cast aside once we discover how we've been snookered.

Therefore, two centuries of falsely-accumulated federal power may be fully swept aside, once we discover how scoundrels exercise inherent power and then take a relatively minor step to eliminate their clever constitutional-bypass mechanism.

The dirty little secret is that the Constitution may be bypassed only where the Constitution itself allows—which is for the District Seat and other exclusive legislation areas—under Article I, Section 8, Clause 17.

Indeed, the District of Columbia was created by the cessions by particular States, for an exclusive federal area, where no State would have any authority whatsoever.

This necessarily means that in the District Seat (and exclusive area forts, magazines, arsenals, dockyards and other needful buildings), government power is NOT in those places *divided* into enumerated federal powers and reserved States powers, like all other places. In the



District Seat and other exclusive federal areas, members of Congress exercise exclusive legislation, “in all Cases whatsoever,” by express constitutional mandate.

Exclusive federal powers means that all governmental power in these special areas is *accumulated* in Congress.

Clause 17 therefore allows members of Congress and federal officials to do things in D.C. that are far beyond the enumerated powers listed in the Constitution for the Union. It was just that these special powers were meant to be limited to the geographic confines of exclusive federal areas.

The only thing needing to be yet discovered is how these unlimited powers that are directly applicable only in exclusive federal areas ever escaped their limited geographic confines and infect the Union. Everything else is but an irrelevant symptom of that single issue.

And, the simple answer of how exclusive federal powers extend beyond District borders was given by Chief Justice John Marshall, in the March 3, 1821 Supreme Court Case of *Cohens v. Virginia*, when he wrote:

“The clause which gives exclusive legislation is, unquestionably, a part of the Constitution, and, as such, binds all the United States.”¹

Marshall was able to write that the exclusive legislation power of Congress for the District Seat yet “binds all the...States” merely by relying upon the strictest-possible construction of Article VI, Clause 2 of the U.S. Constitution, which says that:

“This Constitution...shall be the supreme Law of the Land.”

Indeed, no words currently exist which would expressly exempt Clause 17 from being included as part of “This Constitution” which Article VI says is the supreme Law of the Land that binds the States through their judges.

Article VI, after all, does *not* read “All this Constitution, except the seventeenth clause of the eighth section of the first article, is the supreme Law of the Land.”

1. *Cohens v. Virginia*, 19 U.S. 264 @ 424. 1821.

Thankfully, Marshall implied how we may overturn not only *Cohens*, but now two centuries of wayward court rulings and the myriad of federal laws and regulations necessarily relying upon it, when he wrote:

“Those who contend that acts of Congress, made in pursuance of this power, do not, like acts made in pursuance of other powers, bind the nation ought to show some safe and clear rule which shall support this construction.”²

While Marshall is correct—no words found in the Constitution currently exempt Clause 17 from being part of the supreme Law of the Land—that doesn’t mean that we cannot now **MAKE** one (by proposing and ratifying a new constitutional amendment, to exempt Clause 17 from being enforced beyond District borders).

No law enacted by any State legislature and governor ever binds any other State—neither should the otherwise local laws enacted under Clause 17, just because they are enacted by Congress and signed into law by the President.

It is time to throw off tyranny, before it is too late. Thankfully, in this instance, we are able to cure what we may accurately diagnose.

To read more, please see Matt Erickson’s public domain book, *Two Hundred Years of Tyranny*, freely-available electronically online at www.PatriotCorps.org.



2. *Ibid.*, Pp. 424-425.